

House Bill 291 (AS PASSED HOUSE AND SENATE)

By: Representatives Wilkinson of the 52nd, Butler of the 18th, Rice of the 51st, Ashe of the 56th, Stephens of the 164th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Council for the Arts, so as to create the Georgia Arts Alliance; to provide for legislative findings; to foster a public-private partnership for support of the arts; to provide for the membership, appointment, terms, filling of vacancies, duties, and responsibilities of the board of trustees of the Georgia Arts Alliance; to provide for the creation, appointment, terms, filling of vacancies, duties, and responsibilities of an advisory committee to the alliance; to provide for certain reports and audits; to provide for development of a cultural policy for the State of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Council for the Arts, is amended by designating the existing text as Part 1 and inserting a new Part 2 to read as follows:

"Part 2

50-12-30.

The General Assembly finds that:

- (1) Tourism is Georgia's second largest industry and cultural heritage tourism is the fastest growing industry segment;
- (2) The arts surpass professional sports in attendance and are ranked as one of the top ten reasons for corporate relocations;
- (3) The arts preserve history and heritage for Georgians;

(4) The arts enhance education success for our children through the teaching of complex and abstract ideas; the nurturing of the development of cognitive, social, and personal competencies; and the reaching of otherwise unreachable students;

(5) Preparing Georgia children for success in our competitive global economy that increasingly demands creative solutions to challenging problems is a fundamental obligation of the State of Georgia;

(6) Utilizing all available tools to improve Georgia's public schools is critical to demonstrating Georgia's strong commitment to work force readiness and to encouraging continued job growth and relocation of attractive knowledge based industries within Georgia;

(7) Research studies and experience in recent years demonstrate that the presence of arts in education, whether part of the curriculum or as supplemental programs, can increase students' engagement in learning as well as their social and civic development;

(8) Integrating arts in education in various ways as a meaningful part of the K–12 school environment can have the following benefits:

(A) Reaching and increasing the performance of students who often struggle to succeed in school, including disadvantaged students, English language learners, and students with disabilities;

(B) Providing new challenges for those students already considered successful;

(C) Improving the cognitive skills of students involved in reading, language development, and mathematics;

(D) Lead to a student's development of problem solving and critical and creative thinking skills;

(E) Motivating students to learn and become more involved in their schools;

(F) Increasing student attendance and engagement and lowering drop out rates; and

(G) Promoting student self-confidence and fostering better relationships among students and teachers;

(9) Public funding support for the arts and the teaching and physical infrastructure needed to provide arts and arts in education is an essential part of Georgia's efforts to improve education and provide for economic development and tourism;

(10) Companies desire employees who can meet the challenges of a global economy and can apply creative thought to problem solving;

(11) The arts build communities and increase the quality of life for Georgians;

(12) Increasing the availability of the arts and tourism is a direct economic benefit for the economy of Georgia and will provide jobs and opportunities for our citizens;

(13) It is in the best interests of this state and its citizens to support the arts, education, economic development, and tourism; and

(14) The success and significant advances made by the Georgia Research Alliance as a public-private partnership in higher education demonstrates that a coordinated public-private partnership to focus resources on critical educational objectives is an efficient and flexible means for allocating resources and ensuring measurable results.

50-12-31.

(a) In order to foster a public-private partnership for the support of the arts, education, economic development, and tourism in this state, there is created the Georgia Arts Alliance. Such alliance shall be for the purpose of receiving and distributing funds for the support of the arts, including the Georgia Council for the Arts, and the teaching and physical infrastructure needed to provide arts and arts in education in order to improve education and provide for economic development and tourism. The Georgia Arts Alliance shall not be an entity or agency of government, but shall be a private entity operating under and in accordance with the laws of this state. It is the intent of the General Assembly that such private entity take all necessary steps to become a Section 501(c)(3) entity under the Internal Revenue Code.

(b)(1) The Georgia Arts Alliance shall be governed by a board of trustees consisting of ten members. The members of the board shall include the State School Superintendent, the commissioner of economic development, the Executive Director of the Georgia Council of the Arts, and seven members appointed by the Governor, Lieutenant Governor, and Speaker of the House as follows: the Governor shall appoint five members, one of which may be the head of a not for profit arts organization with an annual budget of more than \$10 million, one of which may be the head of a not for profit organization with a budget of less than \$10 million, one of which may be the chief executive officer of a for profit company with more than 1,000 employees, one of which may be the chief executive officer of a for profit company with less than 1,000 employees, and one of which who is a representative of a private charitable foundation; the Lieutenant Governor shall select one member who may be the head of a school district with more than 25,000 students; and the Speaker of the House shall select one member who may be the head of a school district with less than 25,000 students.

(b)(2) The Governor shall appoint one member to serve as chairperson of the board of trustees. The board may elect such other officers as the board deems appropriate. The board shall meet at the call of the chairperson or the request of any three members.

(c) The members of the board of trustees shall serve terms of four years and until their successors are appointed and qualified; provided, however, that the initial terms of the head of a not for profit arts organization with an annual budget of more than \$10 million, the head of a school district with more than 25,000 students, and the chief executive officer of

1 a for profit company with fewer than 1,000 employees in Georgia shall be for two years
2 and until their successors are appointed and qualified. Thereafter, such members shall
3 serve four-year terms and until their successors are appointed and qualified. The members
4 of the board shall serve without compensation but may be reimbursed for actual and
5 reasonable expenses incurred while on the business of the alliance.

6 (d) The board of trustees shall appoint an advisory committee to assist the board members
7 in their duties. Such advisory committee shall consist of not more than 30 members and
8 shall be chaired by the executive director of the alliance. The advisory committee shall
9 include at least two representatives from each of the state's congressional districts. In
10 making its appointments, the board shall select members of the boards of arts, education,
11 economic development, and tourism organizations; persons who have shown a commitment
12 to the arts in their communities; and persons who understand the needs of business,
13 education, and the arts and tourism industries. Such members shall serve for four-year
14 terms and until their successors are selected and qualified; provided, however, that the
15 board of trustees shall designate 15 of the initial appointees to serve terms of two years and
16 until their successors are selected and qualified. Such 15 members shall thereafter serve
17 four-year terms and until their successors are selected and qualified. The members of the
18 advisory committee shall serve without compensation but may be reimbursed for actual and
19 reasonable expenses incurred while on the business of the advisory committee.

20 50-12-32.

21 The Georgia Arts Alliance may have the following purposes:

22 (1) To support the efforts of the Georgia Council for the Arts in the advancement of the
23 arts and tourism industries of this state;

24 (2) To support through the arts and arts education the efforts of the Georgia Department
25 of Economic Development;

26 (3) To support the improvement of public education in Georgia through the integration
27 of the arts in education and to ensure that the benefits of arts education are competitively
28 available to all schools;

29 (4) To provide annually to individual public schools enabling matching grants for up to
30 three years for a specified arts program or project for students based on competitive
31 evaluation by the advisory board or a committee of the advisory board of the various
32 proposals;

33 (5) To provide annually to the Georgia Council for the Arts an incremental addition to
34 the council's funding from other sources to support professional development of teachers,
35 teaching artists, and administrators for arts in education through learning grants to

1 individuals; and to support employment of an art education specialist in both the Georgia
2 Council for the Arts and the Department of Education;

3 (6) To partner with a Learning Center for Excellence in the Arts serving all of Georgia
4 which is owned or operated by an organization that is exempt from taxation under Section
5 501(c)(3) of the Internal Revenue Code and which is part of a Music Center of
6 Excellence serving all of Georgia and has an infrastructure in place to support at least
7 50,000 students in kindergarten through grade 12;

8 (7) To receive, invest, and administer funds received, including without limitation funds
9 from the state, the federal government, private donations, grants, and other sources to
10 fulfill the purposes for which the alliance is created;

11 (8) To attract contributions and grants for the purposes of the alliance;

12 (9) To utilize funds of the alliance for matching dollars for federal and foundation grants
13 to fulfill the purposes of the alliance; and

14 (10) To engage in other activities designed to support Georgia's arts and the teaching and
15 physical infrastructure needed to provide arts and arts in education in order to improve
16 education and provide for economic development and tourism.

17 50-12-33.

18 The board of trustees shall have the following duties and responsibilities:

19 (1) To operate and manage the Georgia Arts Alliance, including the investment and
20 reinvestment of the alliance's funds, the management of assets of the alliance, and the
21 distribution of such funds and assets to fulfill the purpose of the alliance;

22 (2) To enter into contracts with public and private entities for services needed by the
23 alliance and to fulfill the purposes of the alliance;

24 (3) To employ such staff and consultants as deemed necessary to fulfill the purposes of
25 the alliance and to manage, invest, and administer funds and assets of the alliance;

26 (4) To receive, retain, and invest donations, state and federal funding, grants, and other
27 funds and assets;

28 (5) To ensure that an annual independent audit is conducted of all funds and assets of the
29 alliance;

30 (6) To apply for and administer grants from public and private entities to fulfill the
31 purposes of the alliance, to assist Georgia arts organizations in obtaining and
32 administering grants for these purposes, and to partner with other organizations in order
33 to obtain such grants;

34 (7) To institute and administer grant programs for Georgia arts organizations and
35 programs to fulfill the purposes of the alliance;

(8) To ensure that determinations of any public funding recipients shall be based not on political expediency but rather on the project's contribution to the general welfare of its intended audience and the project's demonstration of its relative ability to provide benefits to the state and its citizens as quantified as required by paragraph (10) of this Code section.

(9) To promote, fund, conduct, and assist in the development, provision, and expansion of arts education programs in Georgia and the teaching and physical infrastructure needed to provide arts and arts in education;

(10) To develop a measurement consistent with state or national standards that will ensure that information provided by the alliance in any report to the Governor and the General Assembly concerning the impact of the arts on education, economic development, and tourism have verifiable metrics in order to aid the General Assembly in determining whether any public money expended in support of the arts provides quantifiable benefits to the state and its citizens; and

(11) To perform such other tasks as may be appropriate to fulfill its purposes not inconsistent with law.

50-12-34.

(a) The funds and assets of the alliance shall be independently audited annually, and the results of such audit shall be open to inspection at reasonable times by any person. A copy of the audit report shall be sent to the state auditor and the state accounting officer.

(b) The alliance shall provide the Governor and the members of the General Assembly with a full report of its activities and funds distribution in December of each year with recommendations, if any, for legislation to assist the alliance in achieving its purposes. The report shall include information on the impact of the arts on education, economic development, and tourism, specifying the metric results using the measurement system developed by the alliance as required in paragraph (10) of Code Section 50-12-33.

50-12-35.

The Georgia Arts Alliance may from time to time make written recommendations to the Governor and the General Assembly for strengthening of the arts in Georgia. The recommendations may include, but not be limited to, the following:

(1) Strategies for promoting, both within Georgia and beyond, cultural tourism for all areas of the state; and

(2) Recommendations regarding the use of arts in education and instruction in arts in the public schools."

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- SECTION 2.**
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- All laws and parts of laws in conflict with this Act are repealed.